SIDEWALK

ORDINANCE 1987-3

AN ORDINANCE REGULATING THE CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF SIDEWALKS AND DRIVEWAY ACCESSES IN THE CITY OF ELGIN, OREGON.

SECTION

1: DEFINITIONS
2: SIDEWALKS
3: DUTY TO REPAIR: PERMIT REQUIRED
4: LIABILITY OF OWN
5: NONLIABILITY OF CITY
6: NOTIFICATION
7: FAILURE OF OWNER TO REPAIR
8: LIEN ON PROPERTY
9: DAMAGING SIDEWALKS OR DRIVEWAY ACCESSES
10: PERMITS
11 INSURANCE REQUIREMENT
12: PROPERTY ACCESSES
13: CONSTRUCTION OPTION
14: VARIANCES

1: DEFINITIONS: For the purpose of this Ordinance, the following definitions shall apply:

APRON: The apron is that portion of the driveway access approach extending from the gutter flow line to the sidewalk section and lying between the end slopes of the driveway access approach.

DRIVEWAY ACCESS: A driveway access is an area where automobiles and other vehicles are allowed to ingress or egress.

DRIVEWAY APPROACH: A driveway approach is an area, construction or improvement between the roadway of a public street and private property intended to provide access for vehicles from the roadway to a definite area of the private property, such as a parking area, a driveway, or a door at least seven feet (7') wide, intended and used for the ingress and egress of vehicles.

END SLOPES: The end slopes are those portions of the driveway approach which provide a transition from the normal curb and sidewalk elevations to the grade of the apron.

SIDEWALK SECTION: The sidewalk section is that portion of the driveway access lying between the back edge of the sidewalk to the front edge of the sidewalk.

2. Sidewalk and driveway access plan:
A. Sidewalks shall be a minimum of four feet (4') wide on all streets and where the City Council deems appropriate, the sidewalks may be required to be wider. Sidewalks and approaches shall be a full four inched (4") thick for residential and six inches (6"O thick for commercial. Sidewalks and accesses shall be constructed of Portland Cement Concrete as per required specifications.

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B. Sidewalks shall have curb cuts at intersections for bicycles, carts, wheelchairs and other such vehicles.

C. No obstruction shall be placed so as to reduce the width of sidewalks to less than four feet (4'), nor height clearance to ten feet (10'). Regulatory signs, mail boxes and other required obstructions, as approved by the City Council, are the only exceptions to this section, but they shall not reduce the clearance to less than three feet (3') in width and eight feet (8') in height.

D. The sidewalk section of the driveway access shall be finished and scored as specified by the city for typical sidewalk construction. Apron and end slope areas of the driveway approach shall be finished, after troweling smooth, by scoring with a fiber push broom drawn over the surface parallel to the curb line.

E. Driveway accesses shall be constructed in accordance with the standard plans for driveway accesses as filed with the city, a copy of which shall be furnished applicant at the time the application is filed.

F. Areas of Limited Street Improvements:
(1) Where standard curbs and gutters have been installed but concrete sidewalks have not, the permit may authorize the applicant to construct the driveway approach from the curb line to the applicant's premises of the same materials as those used for paving applicant's premises. Such driveway approach shall be constructed to established grade and shall be adequate and suitable for the traffic to be carried by it. The permit shall provide and the applicant shall agree that if and when thereafter concrete sidewalks are constructed the applicant or his successor shall install concrete driveway approaches.
(2) Where standard curbs and gutters have not been installed, the apron lengths set forth in Section 12-B of this ordinance shall be measured along the property line and there shall be not less than twenty feet (20') of frontage between driveway approaches serving any one property.

G. Public Property: City street rights of way may not be used for private or commercial purposes. A permit for construction of driveway approaches shall not be issued unless vehicles to be served or serviced can be parked entirely within the private or commercial property lines.

3. DUTY TO REPAIR; PERMIT REQUIRED:
A. It is hereby made the duty of all owners of land adjoining any street in the City of Elgin, Oregon to construct, reconstruct, repair and maintain in good condition the sidewalks in front of, along or abutting said lands. The owner, agent or occupant, before making said repairs, shall obtain from the city recorder a permit which shall prescribe the kind of repair to be

made, the material to be used and other specifications.

4. LIABILITY OF OWNER: The owner of land adjoining any street shall be liable for all damages to whomsoever or property resulting, arising from defects in, or want of repairs and maintenance to, the sidewalks or driveway access in front of, along or abutting upon the land of such owner or owners.
B. No owner or person in charge of property shall allow snow to remain on the sidewalk abutting his property for a period longer than the first six hours of daylight after the snow has fallen.
C. No owner or person in charge of property shall allow ice to remain on the abutting sidewalk for more than two hours of daylight after the ice has formed unless covered with ash, sand, or other suitable materials.
D. No person shall place or deposit snow, except snow removed from public sidewalks, on any parking strip or street.

5. NONLIABLITY OF CITY: No action shall be maintained against the City of Elgin, Oregon, its Mayor its Councilmen, its Recorder or any other officer or employee of the City of Elgin, Oregon by any person for damage's to his property or person caused by any defects in or want of repairs or maintenance, to any sidewalk or driveway access.

6. NOTIFICATION: When any sidewalk, driveway access or portion thereof needs repair, the City Recorder shall issue a notice and prepare a certified copy. The certified copy shall be served by registered or certified mail, a return receipt requested, or served personally upon the owner or occupant of the lot or premises abutting on that portion of said street or sidewalk. The notice shall require person or persons to commence proper construction and or repair of the sidewalk or driveway access within thirty (30) days after being served such notice, and shall be kept on file in the office of the City Recorder thereof.

7. FAILURE OF OWNER TO REPAIR: If the repairing or constructing of the sidewalk or driveway access is not commenced within thirty (30) days after service of notice has not been made or the construction or repairing is not prosecuted with diligence after having been commenced, then the City Recorder may have the same repaired in a proper manner and at a reasonable cost. Upon ascertaining the amount of such reasonable cost for so doing, the City Recorder shall set forth the time and manner of making repairs and costs. This notice shall be attached to the original notice and constitute a part of the record of lien for improvements; and the City Recorder shall forthwith enter the same together with all expenses in the "lien docket" of the City against the lot and premises abutting on that portion of the sidewalk or driveway access so repaired.

8. LIEN ON PROPERTY: Upon the entry being made by the City Recorder, as above provided, in the "lien docket", the City shall have a lien on the lot and premises abutting on that portion of

the sidewalk and or driveway access so repaired, for the full amount of the costs and expenses above mentioned with interest thereon, at the rate of 6% per annumn.

9. DAMAGING SIDEWALKS OR DRIVEWAY ACCESSES: No person shall injure or obstruct any sidewalk or driveway access within the City by digging a ditch through, over or across the same except where a person shall construct a substantial bridge over such ditch and keep the bridge in good repair.
Open trenching shall not be allowed on sidewalk or driveway access unless the permit holder or person in charge has exhausted all possibilities to force, drill, jet or tunnel under the same.

10. PERMITS: No person shall remove, alter, or construct any curb, sidewalk, driveway access, gutter, pavement, or other improvement in any public street, alley, or other property owned by or dedicated to, or used by this City and over which it has jurisdiction to regulate the matters covered hereby, without first obtaining a permit from the City Recorder, and no permit shall be granted until the applicant shall file with the Recorder one copy of a drawing showing the location and size of all such proposed improvements to serve the property affected. Permits to construct improvements shall be made to the City Council on forms provided for that purpose and filed with the City Recorder.

11. PROPERTY ACCESSES:
A. Prohibited locations:
1. No driveway access shall be permitted to encompass any Municipal facility. Under the permit provided unless approved by the City Council.

B. Length and number of curb driveway approaches:

1. Residential:

a. For standard lots of six thousand (6000) square feet (50'-80'frontage). One twelve foot (12') or one twenty foot (20') driveway approach.

b. For lots of seven thousand (7000) to ten thousand (10000) square feet (90'to 120' frontage). One twelve foot (12') or one twenty foot (20') approach, or two twelve foot (12') approaches for a circular driveway.

c. A safety island of not less than ten feet (10') to full curb height shall in all cases be provided between driveway approaches serving any one property frontage.

2. Commercial Property:

a. In a twenty five (25) miles per hour or less speed zone, up to a thirty foot (30') driveway access is permitted.

b. In a zone where the speed limit is above twenty five (25)

miles per hour but under forty five (45) miles per hour, a thirty five (35) foot driveway access is permitted.

c. Where forty-five (45) miles per hour or more speed is permitted, a forty (40) foot driveway access is permitted.

d. A safety island of not less than twenty (20') of full curb height shall in all cases be provided between driveway accesses serving any one property frontage.

e. Property frontage referred to herein includes access areas directly in front of property owned or under the control of the applicant, and such area as may be opposite adjoining property which is used for access purposes by right of easement or agreement with the adjoining property owner.

11. CONSTRUCTION OPTIONS:
The City Council shall have the power by resolution and authority to determine the grade and width of all sidewalks and driveway accesses, the material to be used and the specifications for the construction thereof upon any street or part thereof within any district in the City.

12. VARIANCES:
The City Council is hereby authorized to grant in writing variances from the regulations and requirements of this Ordinance, provided it's first determined that the following conditions are present:

1. That the variance requested arises from peculiar physical conditions not ordinarily existing in similar districts in the City, or is due to the nature of the business or operation upon the applicant's property.

2. That the variance requested is not against the public interest, particularly safety, convenience and general public welfare.

3. that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or tenants.

4. That the terms of this Ordinance will work unnecessary hardship upon the applicant, property owner or tenant.